

Oct 17, 2019

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

CHRISTOPHER MICHAEL MERRILL,

Defendant.

No. 2:19-CR-0152-WFN-1

PROTECTIVE ORDER

Pending before the Court is the Government's Unopposed Motion for a Protective Order. The Court has reviewed the file and Motions and is fully informed. Accordingly,

IT IS ORDERED that:

1. The Government's Unopposed Motion for a Protective Order, filed October 10, 2019, **ECF No. 26**, is **GRANTED**. The privacy protection measures mandated by 18 U.S.C. § 3509(d), when a case involves a person under the age of eighteen years who is alleged to be a victim of a crime of sexual exploitation, or a witness to a crime committed against another person, apply to this case.

2. All persons acting in this case in a capacity described in 18 U.S.C. § 3509(d)(1)(B), shall follow and abide by the privacy protections of 18 U.S.C. § 3509(d)(1) and (2) laid out in the statute as follows:

"(d) Privacy protection.—

(1) Confidentiality of information.—

(A) A person acting in a capacity described in subparagraph (B) in connection with a criminal proceeding shall--

(i) keep all documents that disclose the name or any other information concerning a child in a secure place to

1 which no person who does not have reason to know
2 their contents has access; and

- 3 (ii) disclose documents described in clause (i) or the
4 information in them that concerns a child only to
5 persons who, by reason of their participation in the
6 proceeding, have reason to know such information.

7 (B) Subparagraph (A) applies to--

- 8 (i) all employees of the Government connected with the
9 case, including employees of the Department of Justice,
10 any law enforcement agency involved in the case, and
11 any person hired by the Government to provide
12 assistance in the proceeding;

- 13 (ii) employees of the court;

- 14 (iii) the defendant and employees of the defendant,
15 including the attorney for the defendant and persons
16 hired by the defendant or the attorney for the defendant
17 to provide assistance in the proceeding; and

- 18 (iv) members of the jury.

19 (2) Filing under seal.--All papers to be filed in court that disclose the
20 name of or any other information concerning a child shall be filed under
21 seal without necessity of obtaining a court order. The person who makes
22 the filing shall submit to the clerk of the court--

- 23 (A) the complete paper to be kept under seal; and

- 24 (B) the paper with the portions of it that disclose the name of or
25 other information concerning a child redacted, to be placed in
26 the public record."

27 3. Counsel shall remind all persons providing assistance on this case of these
28 obligations.

29 4. Any alleged minor victim will be referred to by a pseudonym, as agreed upon by
30 counsel for the United States and the Defendant. Counsel shall be consistent in their use of
31 the identifier selected. The parties shall prepare their witnesses and instruct them to refer to
32 the alleged minor victims only by using the agreed pseudonyms (e.g., "Jane Doe 1", "Jane
33 Doe 2" etc.), rather than their names.

34 5. All personal information relating to any minor victim shall be precluded from
35 public disclosure.

1 The District Court Executive is directed to file this Order and provide copies to
2 counsel.

3 **DATED** this 17th day of October, 2019.

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6 WM. FREMMING NIELSEN
7 SENIOR UNITED STATES DISTRICT JUDGE

10-17-19 PO